

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

APPLICANTS:	Torch Energy Advisors Incorporated )	
	(herein "Torch"), Coal Mountain Mining )	DOCKET NO.
	Company Limited Partnership LLP f/n/a )	VGOB 92/02/18-0183-02
	Coal Mountain Mining Company and as )	
	Coal Mountain Trust (herein "Coal Mountain") )	
	and the following Ernest Addison Heirs: )	
	Ralph Addison, Gayle Henderson, Helen )	
	McGrady, Joe Addison, and Evelyn Massey )	
	(herein collectively "Addison Heirs") )	
	(Torch, Coal Mountain and Addison Heirs )	
	sometimes collectively referred to as )	
	"Applicants") )	
	)	
RELIEF SOUGHT:	Issuance of an Amended Supplemental )	
	Order Amending Prior Orders Affecting )	
	SLW5 Drilling Unit to Provide: (1) for the )	
	Calculation of Those Funds the )	
	Unit Operator Deposited into the Escrow )	
	Account for Tracts 5 and 16A of the SLW5 )	
	Drilling Unit; )	
	(2) to Provide to Applicants a Royalty )	
	Accounting; )	
	(3) Disbursement to Torch and Coal )	
	Mountain in Accordance with Their )	
	Agreement all of Those Funds Deposited )	
	by the Unit Operator into the SLW5 Escrow )	
	Account for Tract 5; and )	
	(4) Disbursement to Torch and the Addison )	
	Heirs in Accordance with Their Agreement )	
	All of Those Funds Deposited by the Unit )	
	Operator into the SLW5 Escrow Account for )	
	Tract 16A )	

**ORDER CORRECTING SCRIVENER'S ERROR IN PRIOR BOARD ORDER**

1. **Findings:**

- a. This matter came on for final hearing before the Virginia Gas and Oil Board (herein "Board") at 9:00 a.m. on July 20, 1999 at the Dickenson Conference Room, Southwest Virginia Education 4-H Center, Abingdon, VA. Thereafter, on August 17, 1999 the Board entered its order (herein "Board Order") authorizing the disbursement from the Board's Escrow Account for the SLW5 Drilling Unit (herein "Escrow Account") specified sums to the Applicant.
- b. In accordance with the Board Order, on or about September 23, 1999 the Escrow Agent disbursed via wire transfer the sum of \$3,229.10 to the Addison Heirs.
- c. Subsequent to the disbursement to the Addison Heirs, it was discovered that there was an error in the Board Order in that the total amount due the Addison Heirs was \$645.82, rather than \$3,229.10.

- d. By letter dated September 28, 1999 from Jill M. Harrison of the firm Penn, Stuart, & Eskridge, counsel for the Addison Heirs, the Board and the Escrow Agent were informed of the error, and the Addison Heirs refunded to the Escrow Agent the sum of \$2,583.28 representing the overpayment to them.

**2. Order:**

- a. To correct the scrivener's error contained in the Board Order, the Board hereby modifies the Board Order by deleting in toto the provisions of Paragraph 6 thereof and substituting the following language:

**6. Relief Granted:**

*For the reasons set forth in Paragraphs 4 and 5 above, and based upon the Accounting, the Escrow Agent is ordered to disburse via wire transfer in accordance with instructions provided to the Escrow Agent by Applicants' counsel: (1) the sum of \$3,102.05, plus any additional payments and interest and less fees which accrue thereon from the date of the Accounting through the date of disbursement to Torch Energy Advisors Incorporated; (2) the sum of \$2,456.21, plus any additional payments and interest and less fees which accrue thereon from the date of the Accounting through the date of disbursement, to Coal Mountain Mining Company Limited Partnership LLP, f/k/a Coal Mountain Mining Company and as Coal Mountain Mining Trust; and (3) the sum of \$645.82, plus any additional payments and interest and less fees which accrue thereon from the date of the Accounting through the date of disbursement, to the Addison Heirs. Further, the Amended Supplemental Order filed in this cause is hereby modified to delete the requirement that lease payments attributable to Applicants' conflicting coalbed methane gas ownership interests in Tracts 5 and 16A be deposited by PGP into the Escrow Account. To the extent not specifically granted herein, any other or further relief is denied.*

- b. Subject to the modification of the language of the Board Order set forth in Paragraph 2.a. above, all provisions of the Board Order remain in full force and effect.

**3. Appeals:**


Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

4. **Effective Date:** This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 1<sup>st</sup> day of October, 1999, by a majority of the Virginia Gas and Oil Board.

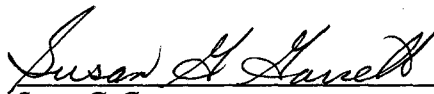
  
Chairman, Benny R. Wampler

DONE AND PERFORMED this 13<sup>th</sup> day of October, 1999, by an Order of this Board.

  
B. R. Wilson  
Acting Principal Executive to the Staff  
Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA )  
COUNTY OF WISE )

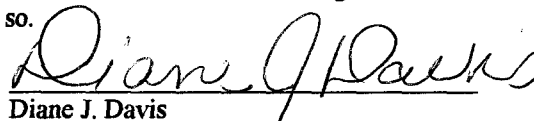
Acknowledged on this 1st day of October, 1999, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

  
Susan G. Garrett  
Notary Public

My Commission expires: July 31, 2002

COMMONWEALTH OF VIRGINIA )  
COUNTY OF WASHINGTON )

Acknowledged on this 13<sup>th</sup> day of October, 1999, personally before me a notary public in and for the Commonwealth of Virginia, appeared B. R. Wilson, being duly sworn did depose and say that he is Acting Principal Executive to the Staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

  
Diane J. Davis  
Notary Public

My commission expires: September 30, 2001